

ADDENDUM TO THE FACT SHEET
FOR THE 2008 REAUTHORIZATION
FOR STATE WASTE DISCHARGE
PERMIT NO. ST 6194

I. GENERAL INFORMATION

Table 1: General information

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| Applicant | Tevis Laspa |
| Facility Name and Address | Pro-Tech Industries, Inc. (Pro-Tech) 14113 NE 3 rd Ct. P.O. Box 933 Vancouver, WA 98666-0933 |
| Type of Facility: | Manufacturing and finishing of aftermarket steel and aluminum products for light and heavy trucks. |
| Facility Discharge Location | Latitude: 45° 43' 23" N Longitude: 122° 39' 58" W. |
| SIC Code | 3329000 (Other Fabricated Metal Product Manufacturing) |
| Treatment Plant Receiving Discharge | Clark County/Salmon Creek Publicly Owned Treatment Works (POTW) through the Clark Regional Wastewater District (CRWWD) |
| Contact at Facility | Name: Kelly Christler Telephone #: (360) 573-5723 |
| Responsible Official | Name: Kelly Christler Address: same as above Telephone #: same as above FAX #: (360) 573-6687 |

II. APPLICATION REVIEW

Pro-Tech submitted an application for permit reissuance to Ecology on February 20, 2007, and Ecology accepted it on March 5, 2007. Ecology has sufficiently reviewed the application for renewal, discharge monitoring reports, and other facility information in enough detail to ensure that:

- Pro-Tech has substantially complied with all of the terms, conditions, requirements and schedules of compliance of the expired permit.
- Ecology has up-to date information on Pro-Tech's waste treatment practices, its production levels; and the nature, content, volume, and frequency of its discharge
- The discharge meets applicable effluent standards and limitations, water quality standards, and other legally applicable requirements.

III. PERMIT REAUTHORIZATION

This fact sheet addendum accompanies the draft permit, which Ecology proposes to reauthorize to Pro-Tech for the discharge of wastewater to the Clark County/Salmon Creek Publicly Owned Treatment Works (POTW) through the Clark Regional Wastewater District (CRWWD). The previous fact sheet is also part of this administrative record and explains the basis for the discharge limitations and conditions of the reauthorized permit.

The existing permit requirements, including discharge limitations and monitoring, do not need to be changed to protect the receiving water quality, except as noted at the end of this section. The previous fact sheet addressed conditions and issues at the facility at the time when the previous permit was issued, and statements made reflected the status in 2005. Since the issuance of the current permit, Ecology has not received any information which indicates that environmental impacts from the discharge warrant a complete renewal of the permit. The reauthorized permit is virtually identical to the previous permit issued on April 15, 2005.

The discharge limits and conditions in effect at the time of expiration of the previous permit are carried over unchanged to this reauthorized permit, except as noted at the end of this section. Assessment of compliance and inspections of the facility during the previous permit term indicate that the facility should not be placed on a high priority for permit renewal. Ecology assigns a high priority for permit renewals in situations where water quality would materially benefit from a more stringent permit during the next five-year cycle.

The permit reauthorization process, in concert with the routine renewal of high priority permits, allows Ecology to reissue permits in a timely manner and minimize the number of active permits that have passed expiration dates. A system of ranking the relative significance of the environmental benefit to be gained by renewing a permit rather than reauthorizing a permit is followed during Ecology's annual permit planning process. Each permit that is due for reissuance is assessed and compared with other permits that are also due for reissuance. The public is notified and input is sought after the initial draft ranking has tentatively established which permits are likely to be completely renewed and which are likely to be reauthorized. All relevant comments and suggestions are considered before a final decision is made regarding the type of reissuance for each permit.

The only changes to the previous permit are the submittal date requirements; removal of the barium, beryllium, and iron limits; addition of the molybdenum limit of 0.36 milligrams per liter (mg/L); and increase of the five-day Biochemical Oxygen Demand (BOD₅) limit from 240 mg/L to 1,000 mg/L according to an agreement between CRWWD and Pro-Tech (Appendix B).

Ecology removed submittal requirements from the previous permit that the facility completed and submitted and do not require additional or continued assessment. The submittal dates for the other standard compliance and submittal requirements that have been carried over from the past permit into this reauthorized permit have been adjusted to the proposed permit schedule. Ecology considered these submittals necessary in the previous permit and no information has come forward to cause a reconsideration of the submittal requirement.

The CRWWD proposed to eliminate barium, beryllium and iron as local limits which Ecology has approved. Ecology therefore removed the barium, beryllium and iron limits from the proposed reauthorized permit.

The CRWWD also proposed to establish a local instantaneous limit of 0.36 mg/L for molybdenum. This proposal was also approved by Ecology. Ecology placed the molybdenum limit in the proposed reauthorized permit.

All other proposed local limits are higher than corresponding permit limits. Pro-Tech is already meeting more stringent permit limits, therefore, Ecology will not change them at this time.

Ecology changed the BOD₅ limit from 240 mg/L to 1,000 mg/L to match an agreement between CRWWD and Pro-Tech signed on January 11, 2006. The agreement is attached in Appendix B.

IV. RECOMMENDATION FOR PERMIT ISSUANCE

Ecology proposes that this permit be issued for five years.

APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

Ecology has determined to reauthorize a discharge permit to the applicant listed on page 1 of this fact sheet addendum. The permit contains conditions and effluent limitations that are described in the fact sheet.

Public notice of application was published on March 1, 2007, and March 9, 2007, in the *Columbian* to inform the public that an application had been submitted and to invite comment on the reauthorization of this permit.

Industrial Unit Permit Coordinator
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775

Further information may be obtained from Ecology by telephone at 360-407-6280, or by writing to the address listed above.

APPENDIX B – AGREEMENT BETWEEN CRWWD AND PRO TECH

INDUSTRIAL WASTEWATER DISCHARGE AGREEMENT

This agreement is effective as of the 17th day of January, 2006, by and between Clark Regional Wastewater District, Clark County, Washington, a municipal corporation of the State of Washington ("District") and Pro-Tech Industries, Inc. a corporation of the State of Washington ("Pro-Tech").

RECITALS

A. The District operates a sewer collection and treatment system, also known as a "publicly owned treatment works" as defined by Section 5.52.030 of the Clark Regional Wastewater District Code ("Code") and 33 U.S.C. 1292 ("District System").

B. Pro-Tech operates a phosphatizing system that discharges industrial waste into the District System. The system is located at 14113 NE 3rd Court, Vancouver, WA 98666-0933 ("Property").

C. As required by RCW 90.48.200, Pro-Tech has obtained a Temporary State Waste Discharge Permit from the Department of Ecology (No. ST 6194), which is effective June 15, 2004 ("Temporary Permit"). A copy of the Temporary Permit is attached as **Exhibit A**. The Temporary Permit establishes industrial wastewater discharge limitations for Pro-Tech's phosphatizing system at 300 milligrams per liter ("mg/L") maximum per day of total suspended solids ("TSS") and 240 mg/L maximum per day of five-day biochemical oxygen demand ("BOD").

D. The Temporary Permit and Code Section 5.52.100 authorize the District to enter into an agreement with Pro-Tech for acceptance into the District System of BOD levels higher than 240 mg/L and TSS levels higher than 300 mg/L.

E. The District and Pro-Tech desire to enter into an agreement for acceptance into the District System of industrial wastewater at BOD of 1000 mg/L or less, in accordance with the provisions of this Agreement.

TERMS AND CONDITIONS

IN CONSIDERATION of mutual promises and performances provided herein, the parties agree as follows:

1. Authorization to Exceed BOD. Pursuant to the Temporary Permit and this Agreement, Pro-Tech may discharge industrial wastewater, as defined by Code Section 5.52.030, from the phosphatizing system on the Property into the District System at a concentration of BOD of 1000 mg/L or less per day. Discharge in excess of this BOD limit shall be deemed a violation of the Temporary Permit and Code Chapter 5.52. All discharge of wastewater from the Property into the District System shall be in accordance with federal, state and local laws and regulations and the Temporary Permit.

2. Verification and Monitoring of Discharge. Pro-Tech shall monitor, sample and analyze the industrial wastewater discharged from the phosphatizing system on the Property, and shall report and record the results of such monitoring, sampling and analyzing, in accordance with the Temporary Permit. In addition, the District, or Pro-Tech if instructed by the District, shall conduct sampling at a time and in a manner consistent with CFR 403 Part 136, which shall include a flow proportional sample during the production portion of a business day. The sampling shall be accomplished by equal volume samples from each batch discharge and composited with a total volume of at least one liter. The samples shall be analyzed at a laboratory approved and designated by the District. Composite sample analysis shall be obtained at least twice per month, shall be averaged for the month. The extra strength surcharge of this Agreement shall be calculated from the average sampling. For purposes of this Agreement, the District Pretreatment Coordinator, or the Coordinator's designee, shall make all decisions on behalf of the District.

3. Costs and Surcharges. Pro-Tech shall pay for all costs and expenses of sampling and analyzing, whether for the services of District employees or third-party consultants. Pro-Tech shall pay all applicable District charges and surcharges, including but not limited to, an extra strength surcharge of \$0.16 per pound of BOD in excess of two (2) pounds per one thousand (1,000) gallons of industrial wastewater discharge.

4. Operation and Maintenance. Pro-Tech shall at all times be responsible for the proper operation and maintenance of any facilities or systems on the Property that are necessary to comply with this Agreement.

5. Indemnification. Pro-Tech shall indemnify, defend and hold harmless the District and its officers, employees and agents, from and against any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, including costs and attorneys fees in defense thereof, for injuries, sickness or death of persons, or damage to property, which is caused by or arises out of the acts, errors or omissions of Pro-Tech and its officers, employees and agents in the performance of this Agreement and/or the wastewater discharged by Pro-Tech into the District System; provided, that the obligation to indemnify, defend and hold harmless shall not extend to injuries, sickness, death or damage caused by or resulting from the sole negligence of the District and its officers, employees and agents; and provided further, that the obligation to indemnify, defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence of the District and Pro-Tech shall apply only to the extent of Pro-Tech's negligence.

6. No Waiver. No waiver of full performance by either party shall be construed, or operate, as a waiver of any subsequent default or breach of any of the terms, covenants or conditions of this Agreement.

7. Binding Effect. This Agreement shall constitute an easement and servitude upon the Property, and shall be binding upon the parties, their heirs, representatives, assigns and successors in interest.

8. Term of Agreement. This Agreement shall be effective until expiration of the Temporary Permit; provided, that the District at its sole option may renew this Agreement upon extension by the Department of Ecology of the Temporary Permit or issuance by the Department of Ecology of a Permanent Permit, pursuant to written notice thereof to Pro-Tech prior to such extension or issuance.

PRO-TECH INDUSTRIES, INC.

By Leus Haspa
Its CEO

CLARK REGIONAL WASTEWATER DISTRICT

By Don Young
Its Pretreatment Coordinator

Appendix C – Response to Comments

Comments were received from Don Young, Pretreatment Coordinator representing Clark Regional Wastewater District on August 8, 2008. The following are the comments and Ecology responses.

Don Young:

Draft Permit Comments

S1. Paragraph 2

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge wastewater to **Clark County/Salmon Creek Publicly Owned Treatment Works (POTW)** through the Clark Regional Wastewater District (CRWWD) sewer system subject to the following limitations:

This paragraph implies that the Salmon Creek Wastewater Treatment Plant only is designated as the POTW and excludes the conveyance system owned by Clark Regional Wastewater District. This is not consistent with the following definitions:

40 CFR 403.3 (o) The term Publicly Owned Treatment Works or POTW means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant.

40 CFR 403.3 (p) The term POTW Treatment Plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

WAC 173-216-030 Definitions.

For the purposes of this chapter the following definitions shall be applicable:

5) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present. In case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from:

(10) "Municipal sewerage system" or "publicly owned treatment works (POTW)" means a publicly owned domestic wastewater facility or a privately owned domestic wastewater facility that is under contract to a municipality.

Ecology:

The paragraph is corrected so the conveyance system owned by Clark Regional Wastewater District is not excluded from the POTW designation.

Don Young:

S3. Reporting and Recordkeeping Requirement

A. Reporting

Please add:

Pretreatment Coordinator
Clark Regional Wastewater District
8000 Northeast 52nd Court
P.O. Box 8979
Vancouver, WA 98668-8979

Ecology:

Permit Coordinator address is added to reporting requirements.

Don Young:

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

2. Repeat sampling and analysis of any violation and submit the results to Ecology within 30 days after becoming aware of the violation;

2. Please add: Pretreatment Coordinator

Ecology:

Permit Coordinator is added as requested.

Don Young:

3. Immediately notify Ecology and the local sewage treatment plant manager of the failure to comply;

3. Please add: Pretreatment Coordinator

Ecology:

Permit Coordinator is added as requested.

Don Young:

4. Submit a detailed written report to Ecology within 30 days (five days for upsets and bypasses), unless requested earlier by Ecology. The report should describe the nature of the violation.

corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

4. Please add: Copy report to Pretreatment Coordinator.

Ecology:

Permit Coordinator is added as requested.

Don Young:

As stated in this permit the Pretreatment Program and Clark Regional Wastewater District not being defined as part of the POTW may be construed as being excluded from the reporting requirements of the following:

F. Dangerous Waste Discharge Notification

The Permittee must notify the **Publicly Owned Treatment Works (POTW)** and Ecology in writing of the intent to discharge into the **POTW** any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification must be made at least 90 days prior to the date that discharge is proposed to be initiated.

G. Spill Notification

The Permittee must notify the **POTW** immediately (as soon as discovered) of all discharges that could cause problems to the **POTW**, such as process spills and unauthorized discharges (including slug discharges).

Ecology:

Above paragraphs are rewritten so the Pretreatment Program and Clark Regional Wastewater District are not excluded from the above reporting requirements.

Don Young:

S4. OPERATION AND MAINTENANCE

The Permittee is at all times responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

B. Bypass Procedures

The Permittee must immediately notify Ecology and the **receiving POTW** of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial

and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee must notify Ecology and the **receiving POTW** in accordance with condition S3.E "Noncompliance Notification."

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions—Bypass is authorized by an administrative order issued by Ecology. The Permittee must notify Ecology and the **POTW** at least 30 days before the planned date of bypass. The notice must contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. Ecology will consider the following prior to issuing an administrative order:

Pretreatment services for the POTW (Salmon Creek Wastewater Treatment Plant, Clark Regional Wastewater District conveyance system and as appropriate the City of Battle Ground conveyance system) are provided by Clark Regional Wastewater District a partially delegated pretreatment program. Without direct communication between the industry and Pretreatment Program appropriate local response to issues will be hampered. Please include the Pretreatment Program in the reporting requirements.

Ecology:

The Pretreatment Program is included in the reporting requirements.